



Appeal Decision

Site visit made on 7 November 2022

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 15 November 2022

Appeal Ref: APP/P4415/W/22/3297537

Land at Cross Lane, Woodsetts (Easting 455820, Northing 383650)

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Trevor Holt against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2021/1950, dated 20 September 2021, was refused by notice dated 31 January 2022.
 - The development proposed is described as the erection of a private stable block and retain hard standing as original.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development also includes use of the appeal site for the keeping of horses. The Council dealt with the proposal on this basis and so shall I.
4. The appellant states that the hardstanding on the site was in place when he purchased the site approximately 5 years ago and that he did no more than cover the existing brick rubble with chippings. Within the context of an appeal under section 78 of the Act it is not within my remit to formally determine whether the hardstanding requires planning permission. If the appellant wishes to ascertain whether the hardstanding is lawful, he may make an application to the local planning authority under section 191 of the Act.

Main Issues

5. The main issues in this appeal are:
 - whether the proposal is inappropriate development for the purposes of development plan policy and the National Planning Policy Framework ('the Framework');
 - the effect of the proposal on Cross Lane Meadow Local Wildlife Site; and,

- if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

6. The appeal site is a field which lies alongside a public bridleway that connects the site to Cross Lane. It is located within the Rotherham Green Belt. Policy CS4 of the Rotherham Local Plan Core Strategy ('Core Strategy') states that land within the Green Belt will be protected from inappropriate development as set out in national planning policy.
7. In terms of Green Belt policy, the appeal scheme can be split into two parts: hardstanding for parking and the private stable block. I shall deal with each in turn.
8. The hardstanding has been laid at the western end of the site. The laying of hardstanding is an engineering operation. Paragraph 150 of the Framework advises that the carrying out of engineering operations does not constitute inappropriate development in the Green Belt provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. I consider that the most relevant purpose in this case relates to safeguarding the countryside from encroachment.
9. Whilst the hardstanding has not noticeably raised the level of ground above that of adjacent land it covers a significant area of the site. As a result, its engineered surface of tarmac chippings has a distinct urbanising effect on the site which is clearly visible from the adjacent public bridleway. If the proposed stable block was built a large area of hardstanding would remain which would be far larger than necessary for reasonable private use of the site. The hardstanding would be capable of accommodating a notable number of vehicles and horse boxes that would be prominent in views from the bridleway.
10. Taking these matters into account, I therefore conclude that this part of the proposal would fail to preserve openness and conflicts with a purpose of including land within the Green Belt. As a result, it would be inappropriate development.
11. The proposed stable block would be for personal use. Paragraph 149 of the Framework advises that the construction of new buildings in the Green Belt should be regarded as inappropriate other than in relation to certain exceptions. The exceptions include the provision of facilities (in connection with a change of use of land) for, amongst other matters, outdoor recreation; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Policy SP10 of the Rotherham Local Plan Sites and Policies document (S&PD) is consistent with the Framework in this regard. The keeping of horses is a form of outdoor recreation and the stables are of a modest size commensurate with the proposed private use. As a result, in terms of Green Belt policy, the stables and the use of the site for the keeping of horses would not be inappropriate development.
12. Notwithstanding my favourable findings in relation to the stables and use of the site for horses, this does not alter my assessment of the extent of the hardstanding, which also constitutes a facility, and the parking that it would allow. The appeal

scheme would therefore be inappropriate development contrary to paragraph 150 of the Framework, policy CS4 of the Core Strategy and policy SP10 of the S&PD.

Cross Lane Meadow Local Wildlife Site

13. The appeal site is a local wildlife site. Such sites are non-statutory areas of local importance for nature conservation that are protected by policies of the development plan from development and changes of use that would cause harm to their wildlife value. The hardstanding has resulted in the loss of the western end of the site to development and the use of the land for the grazing of horses significantly reduces its biodiversity.
14. An ecological report has been submitted by the appellant which concludes that no adverse impacts would occur. However, the report reflects the condition of the local wildlife site earlier this year following its use as a horse paddock which would have much reduced its wildlife value through grazing. Given that the report fails to identify the status of the land as a local wildlife site and acknowledges that the timing of the field survey in March is a sub-optimal survey period for the identification of ground flora species, which are key features of a meadow, I therefore attach little weight to the findings of the ecological report in support of the appeal.
15. For the reasons given above, I therefore conclude that the development associated with the appeal scheme and the change of use of the land to the keeping of horses would cause unacceptable harm the Cross Lane Meadow Local Wildlife Site. This would be contrary to policy CS20 of the Core Strategy and policies SP33 and SP34 of the S&PD which seek to prevent protected sites from being harmed.

Other considerations

16. I have found that the proposal would be inappropriate development in the Green Belt. As a result, it should not be approved except in very special circumstances. It is therefore necessary to consider the other considerations put forward by the appellant in favour of the appeal, to determine whether there are any material considerations which would amount to very special circumstances that would outweigh the harm by reason of inappropriateness and the harm to the Local Wildlife Site that I have identified.

Crime

17. The appellant states that stables are needed on the site to provide a presence to deter arson and criminal damage to vehicles, security gates, trees and vegetation. However, given that the stables will only be visited for a few hours each day the stables would do little to reduce the likelihood of crime which is likely to occur when no one is present on site. As a result, I attach minimal weight to this consideration in favour of the appeal.

Personal circumstances

18. The site provides a focus for the appellant and I appreciate that it has been especially beneficial for him in relation to his health. I am mindful though of the advice contained in Planning Practice Guidance¹ that in general planning is concerned with land use in the public interest. It is also probable that the appeal scheme and associated change of use of the land would remain long after the

¹ Paragraph 008 Reference ID 21b-008-20140306 – 'What is a material planning consideration?'

current personal circumstances cease to be material. Consequently, I attach little weight to this consideration in support of the appeal.

Long standing presence of the hardstanding

19. The appellant states that the hardstanding has been in place since before he took ownership of the appeal site over five years ago. However, substantive evidence demonstrating how long the hardstanding has been in place to support any claim that it is lawful has not been provided. I therefore attach minimal weight to this consideration in support of the appeal.

Conclusion

20. The proposal represents inappropriate development, which by definition, would be harmful to the Green Belt and contrary to policy CS4 of the Core Strategy and policy SP10 of the S&PD. I have also found that it would cause harm to the Local Wildlife Site contrary to policy CS20 of the Core Strategy and policies SP33 and SP34 of the S&PD. Paragraph 148 of the Framework advises that substantial weight should be given to any harm to the Green Belt. Clearly therefore the degree of harm caused would be significant and I attach substantial weight to the totality of harm caused.
21. I find that the other considerations put forward by the appellant fall far short of clearly outweighing the harm identified and thus the very special circumstances necessary to justify the development do not exist. As such the proposal would be contrary to the development plan and Framework considered as a whole. The appeal should therefore be dismissed.

Ian Radcliffe

Inspector